

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, DECEMBER 12, 1989
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:34 a.m. The meeting was recessed by Mayor O'Connor at 12:16 p.m. into closed session at 2:00 p.m. in the twelfth floor conference room to discuss pending litigation.

The meeting was reconvened by Mayor O'Connor at 3:29 p.m. with Council Member Pratt not present. The meeting was recessed by Mayor O'Connor at 3:30 p.m. to convene as the Redevelopment Agency. The meeting was reconvened by Mayor O'Connor at 5:04 p.m. Mayor O'Connor adjourned the meeting at 6:00 p.m. to reconvene as the Redevelopment Agency and meet in Closed Session thereafter in the twelfth floor conference room on pending litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

Clerk-Abdelnour; Fishkin (tm;jb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-101:

Two actions relative to the Improvement of Project First Class Alley and Sewer Main Replacement - Contract No. 5 (1911 Improvement Act):
(Southeast San Diego Community Area. District-4.)

Subitem-A: (R-90-819) ADOPTED AS RESOLUTION R-274889

Awarding a contract to Engicon Corporation for the Improvement of Project First Class Alley Sewer Main Replacement - Contract No. 5.

Subitem-B: (R-90-820) ADOPTED AS RESOLUTION R-274890

Authorizing the expenditure of an amount not to exceed \$80,646.33 from Fund 18517, Dept. 5988, Org. 8814; \$184,620.33 from Fund 18518, Dept. 5613, Org. 1304; \$13,760.17 from CIP-58-007, Fund 30244; and \$319,110.27 from CIP-44-001, Sewer Revenue Fund 41506, for the purpose of providing funds for the Improvement of Project First Class Alley and Sewer Main Replacement - Contract No. 5 and related costs.

CITY MANAGER SUPPORTING INFORMATION: The lowest of the two bids received was from Engicon Corporation, in the amount of \$655,000 which is two percent lower than the estimate of

\$663,376. The project improvements consist of grading and paving eight alleys. Some of the alleys will have the existing sewer mains replaced because of their deteriorated condition and inadequate capacity. Alley improvements are being financed under the CDBG/Assessment District cost sharing program. Sewer replacement costs are funded by the City annual allocation for that purpose. While the overall low bid for the eight alleys as

a group was only two percent below the estimate, bid analysis indicates that the costs for Alley Blocks 1 and 3, and Block C exceed the estimate by about 17 percent. The owners of property in Alley Blocks 1 and 3, and Block C have been informed of the 17 percent cost increase and today's proposed award of contract in accordance with Council Policy 800-3. The cost increase for the remaining six alleys is less than 10 percent.

Aud. Cert. 9000470.

WU-ED-90-055.

FILE LOCATION: STRT D-2281 CONTFY90-1

COUNCIL ACTION: (Tape location: F678-G320.)

MOTION BY PRATT TO ADOPT ITEMS 101 AND 120 AND REQUEST THE CITY MANAGER TO GIVE A REPORT HALF WAY THROUGH THE TWO JOBS WITH RESPECT TO WHAT THE EXPERIENCE HAS BEEN. Second by Henderson.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-120: (R-90-851) ADOPTED AS RESOLUTION R-274891

Authorizing the execution of a contract with Engicon Corporation, the lowest responsible bidder, for the construction of Sewer Pump Station No. 15, together with any necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary to carry out the purposes and intent of the project and contract; authorizing the expenditure of an amount not to exceed \$335,730 from the Sewer Revenue Fund 41506, Sewer Systems Construction Program, CIP-46-106.0, Annual Allocation Sewer Pump Station Restorations, for the purpose of supplementing the amounts previously allocated for the above project.
(Pacific Beach Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: On November 8, 1989, three bids were opened for the construction of Sewer Pump Station No. 15. The lowest acceptable bid of \$998,000 was 43.6 percent over the engineer's estimate of \$695,000. Inherent in the high bids were the following additional construction and landscaping costs not reflected in the engineer's estimate: 1) Extensive architectural changes to the pump station structure, and additional landscaping for the area surrounding the pump station to mitigate the comments and concerns of the various

reviewing committees after the engineer's estimate was submitted for Council approval; 2) replacement of the proposed diesel generators with natural gas generators for a more reliable secondary source of power; 3) stringent requirements associated with dewatering the construction site. Due to these factors, it is not anticipated that readvertisement will result in any savings to the City. Therefore, staff recommends that this project be awarded to the apparent low bid contractor, ENGICON Corporation, for the amount of \$998,000.

Aud. Cert. 9000509.

WU-P-90-072.

FILE LOCATION: CONT - Engicon Corporation CONFY90-1

COUNCIL ACTION: (Tape location: F678-G320.)

MOTION BY PRATT TO ADOPT ITEMS 101 AND 120 AND REQUEST THE CITY MANAGER TO GIVE A REPORT HALF WAY THROUGH THE TWO JOBS WITH RESPECT TO WHAT THE EXPERIENCE HAS BEEN. Second by Henderson.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-123:

Two actions relative to Freeway Agreements for State Route 52:

(See City Manager Report CMR-89-558. Tierrasanta, Mission Trails Regional Park and East Elliott Community Areas. District-7.)

Subitem-A: (R-90-885) ADOPTED AS RESOLUTION R-274878

Authorizing the execution of an amended agreement with the State of California for the construction and improvements of State Route 52 from 0.3 miles west of Santo Road.

Subitem-B: (R-90-886) ADOPTED AS RESOLUTION R-274879

Certifying that the information contained in the Fortuna (Modified Variation No. 2) as the Final Environmental Impact Statement (FEIS), has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines, and has been reviewed and considered by the Council.

FILE LOCATION: MEET CONFY90-1

COUNCIL ACTION: (Tape location: A316-389.)

MOTION BY McCARTY TO APPROVE THE MANAGER'S RECOMMENDATIONS.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea,
Mayor O'Connor-yea.

ITEM-310: WELCOMED

Welcoming a group of approximately 30 students from
Birdrock Elementary School, accompanied by their teacher,
Carol Buddin. This group will arrive at approximately
10:30 a.m.
(District-1.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A054-069.)

ITEM-311: PROCLAIMED

Proclaiming January 7-13, 1990, to be "Law Enforcement
Training Week" in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D030-055.)

ITEM-330:

Rezoning a 0.23 acre site at the southwest corner of Border
Village Road and Virginia Avenue, in the San Ysidro
Community Plan area, from Zone CO (Commercial Office) to
Zone CV (Commercial Visitor). The subject property is more
particularly described as portions of Lot A - 164 and 165,
Addition No. 1, Map-1194.
(Case-89-0132. District-8.)

Subitem-A: (R-90-835) ADOPTED AS RESOLUTION R-274880

Adoption of a Resolution certifying that the information
contained in Environmental Mitigated Negative Declaration
EMND-89-0132 has been completed in compliance with the
California Environmental Quality Act of 1970 and State
guidelines, and that said declaration has been reviewed and
considered by the Council.

Subitem-B: (O-90-107) INTRODUCED, TO BE ADOPTED

JANUARY 8, 1990

Introduction of an Ordinance for CV Zoning.

FILE LOCATION: ZONE - Ord. No.

COUNCIL ACTION: (Tape location: A402-459.)

Hearing began at 11:05 a.m. and halted at 11:08 a.m.

MOTION BY FILNER TO CERTIFY THE ENVIRONMENTAL MITIGATED NEGATIVE
DECLARATION AND INTRODUCE THE ORDINANCE. Second by Pratt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331: CONTINUED TO MARCH 20, 1990 AT 10:00 A.M.

Appeal of the Torrey Pines Community Planning Group, by
Opal Trueblood, Chair, from the decision of the Planning
Commission in granting Hillside Review and Resource
Protection Overlay Zone HRP/RPZ-88-0540. The project
proposes to realign and widen El Camino Real between the
existing Carmel Valley Road and to approximately 500 feet
south of Arroyo Sorrento Road. The subject property is
located east of I-5 and south of Carmel Valley Road, in
Zones A-1-10 and Floodway (FW), within the area of the
North City West and Sorrento Hills Community Plans. The
subject property is more particularly described as a
portion of the west half of the northwest quarter of
Section 30, a portion of the southwest quarter of the
southwest quarter of Section 19, Township 14 South, Range 3
West, S.B.B.M., and Parcels 1, 2 and 3, Parcel Map
PM-14873.

(HRP/RPZ-88-0540. District-1.)

Subitem-A: (R-90-)

Adoption of a Resolution certifying that the information
contained in Environmental Impact Report EIR-88-0540 has
been completed in compliance with the California
Environmental Quality Act of 1970 and State guidelines, and
that said report has been reviewed and considered by the
Council.

Subitem-B: (R-90-)

Adoption of a Resolution granting or denying the appeal and
granting or denying the permit, with appropriate findings

to support Council action.
Subitem-C: (R-90-)

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-88-0540.

FILE LOCATION: PERM - HRP/RPZ 88-0540

COUNCIL ACTION: (Tape location: A016-054.)

MOTION BY WOLFSHEIMER TO CONTINUE FOR THREE MONTHS AT THE REQUEST OF ALAN PERRY. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-332:

A proposal to amend Chapter X (Planning and Zoning Regulations), Article 1, Division 1 and Division 6, Sections 101.0101.94 and 101.0630 of the Municipal Code, and amending Document No. 12-263861, to revise the existing Satellite Antenna Ordinance and the Development Guidelines, relating to the definition and the development guidelines for satellite antennas within commercial and industrial zones.

The proposed Satellite Antenna Ordinance amendment also constitutes an amendment to the City of San Diego's Local Coastal Program (LCP). If approved by the City Council, the proposed LCP amendment must be submitted to the California Coastal Commission for review and final approval.
(City-wide.)

Subitem-A: (R-90-650) ADOPTED AS RESOLUTION R-274881

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-89-0588 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-90-77) INTRODUCED, TO BE ADOPTED
JANUARY 8, 1990

Introduction of an Ordinance amending Municipal Code
Section 101.0101.94.
Subitem-C: (O-90-78) INTRODUCED, TO BE ADOPTED
JANUARY 8, 1990

Introduction of an Ordinance amending Municipal Code
Section 101.0630.
Subitem-D: (R-90-648) ADOPTED AS RESOLUTION R-274882

Adoption of a Resolution amending the Development
Guidelines for Satellite Antennas.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A459-618.)
Hearing began at 11:08 a.m. and halted at 11:16 a.m.
MOTION BY ROBERTS TO APPROVE. Second by McCarty. Passed by the
following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not
present, Pratt-yea, Bernhardt-yea, Henderson-not present,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333: CONTINUED TO JANUARY 23, 1990 AT 10:00 A.M.
(Continued from the meeting of November 21, 1989, Item 331,
at Earl S. Edwards' request, to allow the owner of the
property to be present.)
Appeal of Earl S. Edwards/C & E Liquor, from the decision
of the Planning Commission in denying Planned Commercial
Development/Conditional Use Permit PCD/CUP-88-1110, to
construct a planned commercial development consisting of a
liquor store and barber shop totaling 2,336 square feet,
with associated landscaping and on-site parking for 13
vehicles, and to obtain a conditional use permit for the
sale of alcoholic beverages. The subject property is
located at the southwest corner of the intersection of
Skyline and Meadowbrook Drives, and is further described as
Lot 1 of Highland Park Estates Unit 1, Resubdivision 1,
Map-5370, in Zone CN, in the Skyline-Paradise Hills
Community Plan area.
(PCD/CUP-88-1110. District-4.)

Subitem-A: (R-90-)

Adoption of a Resolution certifying that the information
contained in Environmental Negative Declaration END-88-1110
has been completed in compliance with the California
Environmental Quality Act of 1970 and State guidelines, and

that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-90-)

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: PERM - PCD/CUP-88-1110

COUNCIL ACTION: (Tape location: A016-054.)

MOTION BY PRATT TO CONTINUE TO JANUARY 23, 1990 AT 10:00 A.M.

Second by Bernhardt. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,

Bernhardt-yea, Henderson-not present, McCarty-not present,

Filner-yea, Mayor O'Connor-yea.

ITEM-334:

(Continued from the meeting of September 12, 1989, Item 333, at Jack McGrory's request, to reevaluate the appraisal.)

Three actions relative to the Florence Riford Library

Parking Expansion (La Jolla) - Condemnation:

(See City Manager Report CMR-89-406. La Jolla Community Area. District-1.)

Subitem-A: (R-89-2548) FILED

Determining that the public interest and necessity require the construction of a parking lot at 7571 Draper Avenue, in the City of San Diego; declaring the intention of the City to acquire that property under eminent domain proceedings; directing the City Attorney to commence an action in the Superior Court of the State of California to condemn and acquire immediate possession of that property.

Subitem-B: (R-90-306) ADOPTED AS RESOLUTION R-274884

Authorizing the expenditure of an amount not to exceed \$424,000 from CIP-35-057.0, Florence Riford Library Center (La Jolla), consisting of \$199,000 from Capital Outlay Fund 302453 and a \$225,000 cash gift from Florence Riford (contingent upon receipt of funds), pledged in an agreement signed by Mrs. Riford on May 4, 1988 and accepted by Resolution R-271427 on July 20, 1988.

Subitem-C: (R-90-307) ADOPTED AS RESOLUTION R-274885

Certifying that the information contained in Environmental Negative Declaration END-88-0873, dated November 8, 1988, in connection with Florence Riford Library Expansion (La Jolla), has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration has been reviewed and considered by the Council.

ADDITIONAL BUSINESS:

(R-90-937) ADOPTED AS RESOLUTION R-274883

Authorizing the City Auditor and Comptroller to transfer the sum of \$106,000 from C.I.P. 90-245.0, Capitol Outlay Fund Unallocated Reserve, Capitol Outlay Sales Tax Fund 30245 to C.I.P. 35-057.0; authorizing said funds solely and exclusively for the acquisition of real property and related costs for the FLORENCE RIFORD LIBRARY PARKING EXPANSION.

Aud. Cert. 8901007.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B014-026.)

Hearing began at 11:16 a.m. and halted at 11:17 a.m.

MOTION BY WOLFSHEIMER TO APPROVE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

**ITEM-335: (O-90-106) INTRODUCED AND ADOPTED AS ORDINANCE
 O-17402 (New Series)**

Introduction and adoption of an Ordinance amending Ordinance No. O-17326 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1989-90 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17326-1, as amended and adopted therein, by amending the personnel authorization of the Water Utilities Department (700) Special Projects Division (70700) to delete one Senior Civil Engineer/Registered position and add in lieu one Assistant Deputy Director; exempting the Assistant Deputy Director from the Classified Service; and establishing a salary rate therefor.

CITY MANAGER SUPPORTING INFORMATION: This Ordinance will

change the title of one Registered Senior Civil Engineer position to an Assistant Deputy Director and exempt the position from the Classified Service. This action will facilitate the planning and design phases of the Clean Water Program by assisting the Deputy Director in developing, directing, and coordinating departmental policies to ensure the timely implementation of the Clean Water Program. This position will oversee at least 23 City employees plus a large consultant staff for the engineering, environmental, financial, and public participation aspects of the Clean Water Program.

WU-U-90-056.

NOTE: See Item 203 on the docket of Monday, December 11, 1989 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A389-395.)

MOTION BY McCARTY TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT ITEMS-335, S500 AND S504. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-336: (O-90-95) CONTINUED TO JANUARY 11, 1990,
JANUARY 18, 1990 AND FEBRUARY 8, 1990

Introduction of an Ordinance for the imposition of
City-wide impact fees.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: B026-C247.)

MOTION BY McCARTY TO APPROVE IN CONCEPT AND TO CONTINUE TO THE JANUARY 11, 1990, JANUARY 18, 1990 AND FEBRUARY 8, 1990 SPECIAL COUNCIL MEETINGS FOR DISCUSSION. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-337: (O-90-51 Cor.) INTRODUCED, TO BE ADOPTED JANUARY 8,
1990

Matter of a proposal to amend the San Diego Municipal Code, Chapter X, Article 5, Division 2 (the Coastal Development Permit Ordinance). The proposed amendments would:

1. (Section 105.0204) - Clarify that improvements to any structure which involves the removal and/or replacement of more than fifty percent (50%) (in linear feet) of the existing exterior walls of the principal habitable floor shall require a coastal development permit.
2. (Section 105.0208) - Add a finding to require that all development approved pursuant to a coastal development permit will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, Chapter X, Section 101.0462 of the San Diego Municipal Code.
3. (Section 105.0218) - Clarify that the California Coastal Commission shall be exclusively responsible for the issuance of an amendment or an extension of time to an existing coastal development permit which has been approved by the California Coastal Commission, regardless of jurisdictional boundaries governing applications for new coastal development permits.

The Coastal Development Permit Ordinance was adopted by the City Council on April 5, 1988, and became effective on October 17, 1988. The Coastal Development Permit Ordinance applies only to development within the coastal zone.

The proposed amendment constitutes an amendment to the City of San Diego's Local Coastal Program (LCP). If approved by the City Council, the proposed LCP amendment must be submitted to the California Coastal Commission for review and certification. The LCP amendment would not become effective until after approval by the California Coastal Commission. (City-wide.)

Introduction of an Ordinance amending the Municipal Code relating to coastal development permits.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: F580-595.)

Hearing began at 5:33 p.m. and halted at 5:34 p.m.

MOTION BY WOLFSHEIMER TO INTRODUCE THE ORDINANCE. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea,

Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-338:

Rezoning approximately 1.05 acres located on the south side of Home Avenue, between Spillman and Gateway Drives, in the Mid-City Community Planning Area, from Zone R1-5000 to Zone CN (Neighborhood Commercial) and amending the Mid-City Community Plan to redesignate the site from Low-Density Residential (5 to 10 dwelling units per net acre) to Neighborhood Commercial. The subject property is more particularly described as Lot 1 of Map-11840.
(Case-88-0404. District-3.)

Subitem-A: (R-90-823) ADOPTED AS RESOLUTION R-274892
Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-0404 has been completed in compliance with the California

Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-90-104) INTRODUCED, TO BE ADOPTED JANUARY 8, 1990

Introduction of an Ordinance for CN Zoning.

Subitem-C: (R-90-822) ADOPTED AS RESOLUTION R-274893
Adoption of a Resolution approving the plan amendment.

FILE LOCATION: Subitem A ZONE ORD. NO.; Subitem B--;
Subitem C LAND - Mid-City Community Plan

COUNCIL ACTION: (Tape location: F599-675.)

Hearing began at 5:34 p.m. and halted at 5:37 p.m.

MOTION BY HARTLEY TO ADOPT SUBITEMS A AND C AND INTRODUCE SUBITEM B. Second by Roberts. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-339: (O-90-80) DENIED REZONE

(Continued from the meeting of November 21, 1989, Item 341D, at Council Member Henderson's request, for further review.)

Proposed application of the Community Plan Implementation Overlay Zone (CPIOZ), Type B, to the Price Club site located on Morena Boulevard, south of Ariane Drive. This item is related to the implementation of the Clairemont Mesa Community Plan adopted September 26, 1989, and was continued from the City Council hearing of September 26, 1989.

(District-6.)

Introduction of an Ordinance for CPIOZ, Type B Zoning for the Price Club site.

FILE LOCATION: LAND - Clairemont Mesa Community Plan

COUNCIL ACTION: (Tape location: F525-565.)

Hearing began at 5:31 p.m. and halted at 5:33 p.m.

MOTION BY HENDERSON TO LEAVE THE ZONING THE SAME. DO NOT CHANGE THE ZONING SUBJECT TO AN AGREEMENT WITH PRICE CLUB PER LETTER FROM MR. PETERSON'S OFFICE (LETTER DATED DECEMBER 12, 1989, WITH ATTACHMENTS AND THE LISTED MODIFICATIONS REFERENCED BY ITEMS 1, 2 AND 3), THAT HAS BEEN REVIEWED BY THE CITY LANDSCAPE ARCHITECTURAL STAFF, INDICATING THAT THEY ARE GOING TO DO A VARIETY OF THINGS WITH REGARD TO THE LANDSCAPING TO CONFORM IT TO WHAT IS GOING ON IN THE MORENA AREA. ALSO APPROVE WITH THE UNDERSTANDING THAT IF THEY TAKE OTHER ACTION WITH REGARD TO THAT SITE, THE CITY LANDSCAPING ORDINANCE WILL BE TRIGGERED. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-340: (R-90-774) ADOPTED AS RESOLUTION R-274894

Adoption of a Resolution certifying the election of the Project Area Committee (PAC) for the Mercado Del Barrio Redevelopment Area.

(Barrio Logan/Harbor 101 Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: On October 30, 1989, the City Council adopted the procedures for formation of the Project Area Committee (PAC) for the Mercado del Barrio Redevelopment Project (see City Manager Report CMR-89-495.) A community meeting was held on November 15, 1989 at the Lowell Elementary School. The purpose of the meeting was to explain the establishment of, functions of, and opportunity to serve on the PAC. Notices of this meeting and the subsequent election

meeting were mailed to every property owner, residential tenant, business owner and community organization in the proposed project area. The election meeting was held on December 6, 1989, also at the Lowell School. A representative from the City Clerk's office assisted in its conduct. Eligible members from the community elected PAC representatives in four categories: residential owner occupant, residential tenant, business owner and representative of existing community organizations. The elected PAC members will serve in an advisory capacity to the City Council/Redevelopment Agency during the entire plan adoption process and for three years following approval of the final plan.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F566-575.)

Hearing began at 5:33 p.m. and halted at 5:33 p.m.

MOTION BY PRATT TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-341: (R-90-876) ADOPTED AS RESOLUTION R-274895

Proposal to enter into an agreement with the County of San Diego and the various cities within San Diego County for the purpose of notification of proposed land use and development actions among those local government agencies. (City-wide.)

Adoption of a Resolution approving the Memorandum of Understanding for Notification of Land Use and Development Actions.

PLANNING DEPARTMENT SUPPORTING INFORMATION: The proposed Memorandum of Understanding (MOU) was drafted by the City/County Coordination Task Force, established by the City Manager Association and SANDAG, and was approved by the County Board of Supervisors on May 22, 1989. It was distributed to all cities within the county for their input. With minor changes the MOU has now been circulated to all cities and the County for approval.

The purpose of the MOU is to establish an improved procedure for referral of proposed land use and development actions among the region's Cities and the County.

The Rules Committee, on September 20, 1989, referred the draft

MOU to City Council upon acceptance by the County of the updated version to reflect City input. The MOU incorporates the City requested modifications.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F566-575.)

Hearing began at 5:33 p.m. and halted at 5:33 p.m.

MOTION BY PRATT TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S405: (R-90-919) ADOPTED AS RESOLUTION R-274886

Council confirmation of the following appointments by the Mayor to serve as members of the Land Development Advisory Board:

(See memorandum from Mayor O'Connor dated 12/4/89 with resumes attached.)

NAME	CATEGORY	TERMS ENDS
William J. Kirchnavy	Licensed Contractor in	March 1, 1991
(To replace Arthur L. Land Grading Operations Carver, who has resigned)		

H. Tom Kuper	Engineering Geologist	March 1, 1990
(To replace Bruce M. Lang, who has resigned)		

Ure Kretowics	Builder - Developer	March 1, 1990
(To replace John D. Read, who has resigned)		

Mildred Love	Architect	March 1, 1991
(Reappointment)		

Robin Shifflet	Landscape Architect	March 1, 1991
(Reappointment)		

Douglas C. Paul	Registered Civil Engineer	March 1, 1991
(Reappointment)		

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A069-096.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Pratt. Passed by the

following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S416: (R-90-889) ADOPTED AS RESOLUTION R-274887

Accepting Mr. John Carlson's generous donation to pay for the costs of painting the mural on the back of the scoreboard at San Diego Jack Murphy Stadium, as described in City Manager Report CMR-89-571, subject to review of the proposed work by a joint committee of members of the Stadium Authority Board and the Commission of Arts and Culture.

(See City Manager Report CMR-89-571. Mission Valley Community Area. District-5.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A096-224.)

MOTION BY McCARTY TO ADOPT AND DIRECT THE CITY MANAGER TO ENSURE THAT MR. CARLSON SIGNS A WAIVER PRIOR TO APPROVING THE COMMENCING OF THE WORK. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S500: (O-90-109) INTRODUCED AND ADOPTED AS ORDINANCE
O-17403 (New Series)

Introduction and adoption of an Ordinance amending Ordinance No. O-17326 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1989-90 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17326-1, as amended and adopted therein, by exempting one Principal Planner position from the Classified Service; causing the personnel authorization schedule of the Planning Department (065) to reflect the Principal Planner Position as Unclassified; and establishing a salary rate therefor.

(See the memorandums from the City Planning Director dated 9/25/89 and from the Personnel Director dated 9/29/89.)

CITY MANAGER SUPPORTING INFORMATION: This ordinance will exempt one Principal Planner for the Maps and Special Permits

Section of the City Planning Department from the Classified Service pursuant to City Charter Section 117 (17). This Principal Planner position was approved by the Council as a part of the Planning Department's Fiscal 1990 budget. The position will have significant responsibilities for formulating and administering departmental policies and programs related to the Planned District Group, the Subdivision Group, and through formulation of community plan implementing legislation. The proposed exemption was reviewed by the Civil Service Commission on October 5, 1989 and was found to meet the criteria of Charter Section 117 for exemption from Classified Service.

NOTE: See Item S408 on the docket of Monday, December 11, 1989 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A389-395.)

MOTION BY McCARTY TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT ITEMS-335, S500 AND S504. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S501:

(Continued from the meeting of December 5, 1989, Item 331, at Council Member Hartley's request, to review the issue.)

Appeal of Verna M. Quinn, from the decision of the Planning Commission in approving a request to subdivide a 3.04-acre site (Campus Heights) into ten lots for single-family residential development. The subject property is located on the north side of Broadway between Klauber Avenue and Scimitar Drive and is more particularly described as a portion of Lot 8, Block 18 of Tract No. 2 of Encanto Heights, Map-1100, together with the portion of Lot 4-1/2 of Rosemont Addition to Encanto Heights, Map-1133 in Zone SF 10,000 within the Southeast San Diego Community Plan area.

(TM-89-0223. District-3.)

Subitem-A: (R-90-1037) ADOPTED AS RESOLUTION R-274896

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP. No. 89-0223 has been completed in compliance with the

California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (R-90-1038) ADOPTED AS RESOLUTION R-274897,
DENIED APPEAL, GRANTED MAP

Adoption of a Resolution granting or denying the appeal and granting or denying the map, with appropriate findings to support Council action.

19891212

FILE LOCATION: SUBD - Campus Heights

COUNCIL ACTION: (Tape location: F136-415.)

Hearing began at 5:04 p.m. and halted at 5:24 p.m.

Testimony in favor of the appeal by Verna Quinn and Edwin Budzinski.

Testimony in opposition to the appeal by Jim Draper and Gerry Braun.

MOTION BY HARTLEY TO DENY THE APPEAL AND GRANT THE MAP. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S502: (R-90-) CONTINUED TO FEBRUARY 13, 1990 AT
10:00 A.M.

(Continued from the meeting of December 5, 1989, Item 330, at Council Member Filner's request, to allow the appellant and the Historical Site Board to review and reanalyze the project.)

Appeal of Sharon L. Davis, the attorney of record for Mondana Corporation, from the decision of the Historical Site Board in designating the El Toreador Motel as a historical site. The attorney of record has now been changed to Maria Burke Lia. The subject property is

located at 631 East San Ysidro Boulevard, in the San Ysidro Community Plan area.

(District-8.)

Adoption of a Resolution granting or denying the appeal and granting or denying the historical designation, with appropriate findings to support Council action.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A016-054.)

MOTION BY HENDERSON TO CONTINUE TO FEBRUARY 13, 1990 AT THE REQUEST OF THE CITY MANAGER DUE TO A DOCKETING ERROR. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-S503: (R-90-1188) ADOPTED AS RESOLUTION R-275054
GRANTED HEARING

Matter of the request of Mrs. Eric F. Edmunds, for a hearing of an appeal from the decision of the Board of Zoning Appeals in granting with conditions, a variance to construct a guest house, to be located on top of an existing one-story garage, to observe a 0'-0" north side yard where 4'-0" is required and a 2'-0" front yard on Olivet Street, where 15'-0" is required. The subject property is located at 1245 Virginia Way in the R1-5000 Zone and is more particularly described as Lot 7, Block 76, La Jolla Park Villa Tract, Map-976.

(CUP-19499. District-1.)

A motion granting or denying the request for a hearing of the appeal.

NOTE: Pursuant to the requirements of the San Diego Municipal Code, the appellant has filed written request for the City Council to allow an appeal from the decision of the Board of Zoning Appeals. No oral presentations shall be made to the Council by either the proponents or opponents of the project. On 7/20/87, Council voted 8-1 to hear the appeal. On 8/11/87, Council voted unanimously to grant the appeal, deny the permit, uphold the Zoning Administrator's decision. Districts 2, 3, 4 and Mayor not present.

On 4/18/88, pursuant to litigation and request of the City Attorney's office the "Rule 4" determination of this matter was referred back to Council. Council voted unanimously to grant

the hearing. District 8 not present.
On November 20, 1989, pursuant to the Superior Court's decision,
the matter of the "Rule 4" determination was referred back to

19891212

Council. Council voted 7-0 to grant the appeal and set the
hearing date. District 1 and Mayor not present.
On December 4, 1989, Council voted 9-0 to reconsider the matter.
If the request to allow an appeal is granted, the City
Attorney's office requests time to determine a hearing date.
After that determination, the matter will be noticed for a
public hearing.

FILE LOCATION: ZONE ZONING APPEALS - CUP-19499

COUNCIL ACTION: (Tape location: F416-518.)
MOTION BY WOLFSHEIMER TO ACCEPT THE APPEAL OF THE BOARD OF
ZONING APPEALS' DECISION ON MR. SHANAHAN'S MAID'S QUARTERS
PURSUANT TO MUNICIPAL CODE SECTION 101.0204(4) Second by
Roberts. Passed by the following vote: Wolfsheimer-yea,
Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea,
Henderson-yea, McCarty-yea, Filner-not present, Mayor
O'Connor-yea.

ITEM-S504: (O-90-110) INTRODUCED AND ADOPTED AS ORDINANCE
O-17404 (New Series)

Introduction and Adoption of an Ordinance amending
Ordinance O-17326 entitled "An Ordinance adopting the
Annual Budget for the Fiscal Year 1990-1991 and
Appropriating the Necessary Money to Operate the City of
San Diego for said Fiscal Year ," by adding \$78,900 in
CIP-22-031.2, Sail (Crescent) Bay - Development, Phase III.
(Mission Bay Park Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: The initial bid opening
for the construction of Sail Bay Development - Phase III,
including a portion of the Mission Bay Sewage Interceptor System

(MBSIS), was on September 6, 1989, and resulted in a single bid, 44.3 percent over the engineer's estimate. On October 13, 1989, City Council authorized bid rejection and project readvertisement. Subsequently, 3 bids were opened on November 9, 1989. The apparent low bid was submitted by Citadel Construction, Inc. with \$1,296,000. This low bid is 16 percent over the project construction cost estimate of \$1,117,958. As this project was readvertised once already, it is doubtful that readvertisement would result in a lower bid and the project schedule would suffer. Project construction must begin soon in

order to not delay the MBSIS which is required by Regional Water Quality Control Board Cease and Desist Order.

Aud. Cert. 9000539.

WU-P-90-076.

NOTE: See Item S418 on the docket of Monday, December 11, 1989, for the first public hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A389-395.)

MOTION BY McCARTY TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT ITEMS-335, S500 AND S504. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S505: (R-90-981) ADOPTED AS RESOLUTION R-274888

Establishing the Clean Water Program Governance Advisory Group to advise the City Council concerning the implementation of the Clean Water Program; declaring that the Advisory Group shall consist of one elected official and a designated alternate elected official from each of the following jurisdictions: the cities of Chula Vista, Coronado, Del Mar, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City and Poway; the County of San Diego; the Otay Water District and the Padre Dam Water District; one elected official and designated alternate from the San Diego City Council; and one representative and designated alternate from the Board of Directors of the San Diego County Water Authority; appointing Council Member Ron Roberts as the primary representative to the Advisory Group and Council Member Judy McCarty as the alternate representative; directing the City Manager to provide

technical and administrative assistance to the Advisory Group; declaring that the Advisory Group shall forward a final recommendation to the City Council as to the form and entity for the management and organization for the implementation of the Clean Water Program no later than June 30, 1990.

(See City Manager Report CMR-89-563.)

COMMITTEE ACTION: Reviewed by PSS on 12/6/89. Recommendation to approve the establishment of an Advisory Board and the appointment of one City Councilmember to represent the City Council. Districts 2, 3, 4, 5, and 7 voted yea.
WU-CWP-90-082.

FILE LOCATION: WATER - Clean Water Program Governance
Advisory Group

COUNCIL ACTION: (Tape location: A224-316.)
MOTION BY ROBERTS TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:
None.

COUNCIL COMMENT:
None.

PUBLIC COMMENT:
None.

ADJOURNMENT:
By common consent, the meeting was adjourned by Mayor O'Connor at 6:00 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: G344-345).